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**BEFORE THE
SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS
COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES**

INTERNATIONAL FISHERY CONSERVATION AND MANAGEMENT ISSUES

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Mr. Chairman and Members of the Subcommittee, thank you for inviting me to testify on topics related to international fishery conservation and management. I am William T. Hogarth, the Assistant Administrator for Fisheries in the National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

NOAA's National Marine Fisheries Service (NOAA Fisheries) and our federal partners at the Department of the Interior and the Department of State, working with Regional Fishery Management Councils and state, tribal, and other Native American groups, are continuing to accomplish an impressive program of international living marine resource conservation and management.

I know just how important our international fisheries relationships are from personal experience in the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Inter-American Tropical Tuna Commission (IATTC), the negotiations that produced the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC), and many other fora. In fact, many of our domestic fisheries objectives can only be achieved with consistent action by the international community. These objectives relate to the management of highly migratory, salmonid, straddling, and many protected species populations. Our management goals include eliminating over-fishing; rebuilding over-fished stocks; maintaining sustainable fisheries; recovering protected species; conserving habitats; improving the scientific basis of living marine resource management; and managing harvesting capacity. We need the active participation of our international partners.

My testimony will focus on the issues you requested in the letter of invitation. I will present an overview of our efforts to address these issues in several international fora including (1) ICCAT, (2) WCPFC, (3) Food and Agriculture Organization of the United Nations Committee on Fisheries (FAO COFI), (4) International Whaling Commission (IWC), and (5) Convention on

International Trade in Endangered Species of Wild Fauna and Flora (CITES). I will conclude with my views on how NOAA Fisheries and the Congress may further enhance our respective cooperative efforts to achieve our international objective.

ICCAT (International Commission for the Conservation of Atlantic Tunas)

The United States, for the first time, is hosting the 2004 annual meeting of ICCAT in November in New Orleans. We will take this occasion to demonstrate our continued commitment to the conservation and management of ICCAT managed species and to showcase our important commercial and recreational fisheries. Meanwhile, we are in the early stages of preparing for the annual meeting and are reviewing our internal process and programmatic structure to identify whether improvements need to be made.

We will also discuss and identify other key issues facing ICCAT this year. One priority issue for the United States is the upcoming Intersessional meeting of a working group tasked with developing integrated and coordinated Atlantic bluefin tuna management measures for both east and west stocks. This will be the first time that the working group considers and develops management alternatives that take into account the biological reality that the east and west bluefin tuna stocks overlap. We expect this to be an ongoing process. The working group will review the most recent scientific data on Atlantic bluefin tuna stock structure and biology, and identify and evaluate various management options. The working group will also likely identify research needed to provide scientific advice on the risks and robustness of potential revised management procedures for bluefin tuna. While there are additional costs involved in establishing such a research program, it is the next logical step for the ICCAT bluefin tuna science and management program.

Another issue of interest for the United States at the fall meeting will be the implementation of a new ICCAT trade restrictive measure regime. Following years of work, ICCAT took a historic step to strengthen and broaden its regime for imposing trade restrictive measures and adopted a comprehensive trade resolution at its 2003 meeting. This new trade regime applies equally to all fisheries and to both ICCAT members and non-members and establishes a more transparent process for the application of trade restrictive measures. The trade regime uses comparable standards for evaluating fishery related activities for members and non-members. Also, it allows for the swift re-imposition of trade sanctions in cases where parties recently released from sanctions act in bad faith by engaging in problem fishing activities. The 2004 annual meeting will be the first time this new trade regime will be applied. This summer the United States will begin to review data and consider trade measures taken under the previous instruments as well as the possibility of new applications under the broadened regime.

Over the next few months we will continue our programmatic review relative to ICCAT preparations. We are looking at identifying opportunities to improve our relationship with other ICCAT parties, through partnerships and capacity building efforts. At this time, I do not see a need for legislative action with regard to our ICCAT activities.

WCPFC (Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean)

WCPFC was adopted on September 4, 2000, following seven negotiating sessions spanning five years. The Convention was adopted by 19 states voting in favor¹; Japan and Korea voting against; and China, France, and Tonga abstaining. The differences that concerned those states that abstained or voted against have been substantially resolved.

By December 19, 2003, thirteen states had ratified the Convention, triggering the entry into force of the Convention on June 19, 2004. The thirteen states are: Australia, Cook Islands, Federated States of Micronesia, Fiji Islands, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands, and Tonga. The Department of State is preparing the package for the President to transmit the Convention to the Senate for advice and consent to ratification. NOAA Fisheries is developing legislative language for implementation of the Convention.

The Convention establishes a Commission to conserve and manage tuna and tuna-like species in the western and central Pacific west of 150° meridian of west longitude, a resource estimated to have annual revenues of \$1.5-2 billion. The Pacific island states control access to the fishing grounds within their exclusive economic zones where the majority of the catches occur. For many of the Pacific Island nations, these fish stocks are the only significant renewable natural resource, and a key to their economic development aspirations. The United States has been cooperating with these nations since 1988 under the South Pacific Tuna Treaty. The new Convention will serve to apply the same requirements our fishermen have been following to all distant water and coastal states in the region. These include carrying observers, a vessel monitoring system, restrictions on transshipment, and catch and fishing effort reporting. The new Convention is fully consistent with the 1995 United Nations Fish Stocks Agreement and other recent global fisheries agreements, and the Commission will have ample authority to take binding measures to address issues such as bycatch and fishing capacity. Several non-binding resolutions have been adopted by the parties to the negotiation to arrest the growth of fishing capacity in the western and central Pacific, but they have not been fully effective. The coming into force of a major new convention such as this one will create major additional implementation responsibilities for NOAA Fisheries, and we are currently preparing to meet these responsibilities.

Since the adoption of the Convention, a Preparatory Conference has met five times to design the internal rules and procedures for adoption by the eventual Commission. A sixth session just met in Bali, Indonesia in April 2004, and a brief final session will likely meet immediately prior to the inaugural meeting of the Commission in late 2004. Working groups have been convened to develop administrative and procedural matters, provide scientific advice both before and after entry into force of the Convention, and discuss monitoring-control-surveillance. Matters

¹ Australia, Canada, Cook Islands, Federated States of Micronesia, Fiji, Indonesia, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Philippines, Samoa, Solomon Islands, Tuvalu, United States, and Vanuatu.

relevant to the Convention, the Commission, and the activities of the Preparatory Conference can be found at <http://www.ocean-affairs.com>.

FAO COFI (Food and Agriculture Organization of the United Nations Committee on Fisheries)

Fishing Capacity in the United Nations' Food and Agricultural Organization

The United States is well aware that overcapacity in domestic and world fisheries is a serious problem and has developed definitions and measures of regional and international fish harvesting capacity. The United States supported the U.N. Food and Agricultural Organization in developing an international plan of action (IPOA) for the management of fishing capacity, two technical consultations, and a technical working group on defining and measuring capacity, and has conducted qualitative and quantitative measures of excess and overcapacity levels in domestic and international fisheries. To update the Committee on our progress in dealing with this issue, I would like to stress three points.

First, the U.S. national plan of action for the management of fishing capacity, a commitment of the IPOA, is nearing completion. With this U.S. plan of action, we want to establish an effective capacity monitoring program that responds to the unique features of our domestic fisheries and management institutions.

Second, in the Administration's proposals to re-authorize the Magnuson-Stevens Fishery Conservation and Management Act, amendments that address overcapacity (standards for new individual fishing quotas) and excess capacity (streamlined procedures for fishing capacity reduction programs) have been submitted to Congress.

Third, a report on excess capacity levels is nearing completion for use in developing buyback programs. A planned overcapacity report will provide valuable information to the Councils to address over-fishing. These reports will serve as a model to FAO on how to properly assess capacity management problems.

Illegal, Unregulated and Unreported Fishing

NOAA continues to play a central role along with the State Department in the creation and implementation of the National Plan of Action to prevent, deter and eliminate illegal, unregulated and unreported (IUU) fishing. The heart of this action plan calls for strengthening enforcement, the primary function of NOAA's prosecutors and special agents.

NOAA's Office for Law Enforcement (OLE) and General Counsel for Enforcement and Litigation have played critical leadership roles in the development and growth of the International Monitoring, Control and Surveillance Network (MCS Network). Now in its third year, the MCS Network has created an active forum for marine law enforcement personnel worldwide to cooperate by sharing experiences and information. The MCS Network has realized many of the desired goals of the IPOA by expanding cooperation to combat IUU fishing with

members from all continents and regions of the globe. A global enforcement conference later this year will be co-sponsored by the MCS Network. Recruitment of additional members is actively promoted and membership now stands at approximately 40 countries. The chair of the Network (who is from NOAA) briefed staff from the House Oceans Caucus on the Network last fall.

The NOAA OLE has dedicated a significant level of the Office's resources toward the elimination of IUU fishing. International case investigations have continued to expand to the point that there are productive and active international investigations in each of the six OLE field divisions. Cases have involved species that are illegally caught, processed and shipped internationally. These species include Patagonian toothfish; Honduran lobster; Nicaraguan lobster; Russian crab; Canadian fish stocks; highly migratory species such as tuna, shark and billfish; salmon and many other species, some of which fall within CITES listings.

Our enforcement personnel are directly and actively engaged in many international marine resource related venues for the purpose of monitoring enforcement issues, providing advice and informing participants on the enforcement related aspects of decisional processes, negotiations, and decisions. The OLE participates in dozens of venues including, but not limited to, fisheries bilateral meetings, bilateral enforcement meetings, treaty negotiations, convention, and other fora wherein the United States has responsibility for IUU related matters. Examples of these venues include meetings of the FAO Committee on Fisheries, CCAMLR (Commission for the Conservation of Antarctic Marine Living Resources), ICCAT, the Western and Central Pacific Tuna Treaty, North Atlantic Fishery Organization, and the Southern Pacific Tuna Treaty.

Eco-Labeling

Discussion of eco-labels has taken place at the FAO COFI or at the FAO Subcommittee on Fish Trade since the late 1990s. FAO Members agreed at the last biennial meeting of COFI (February 2003) that an expert consultation should be convened to develop voluntary international guidelines for eco-labeling of fish and fisheries products from marine capture fisheries. The expert consultation took place in October 2003. FAO was instructed by COFI to submit the Report of the Expert Consultation to the 9th meeting of the Subcommittee on Fish Trade (February 2004) in order for it to make a decision on possible follow-up actions, such as the FAO convening a technical consultation, which would bring together FAO member states. At that meeting, the United States joined others in calling on the FAO to convene a meeting in October 2004 in an effort to conclude FAO work on eco-labels.

IWC (International Whaling Commission)

The 56th Annual Meeting of the International Whaling Commission (IWC) will be held in Sorrento, Italy July 19th through July 22nd. The longstanding principles that will guide United States policy at this meeting are that the United States supports the IWC's commercial whaling moratorium, supports aboriginal subsistence whaling, opposes lethal research whaling, and opposes the international trade of whale products.

The United States continues to work in good faith to establish a Revised Management Scheme (RMS) for commercial whaling. At the 55th Annual Meeting in June 2003, little progress was made towards completion of this agreement. However, the Chairman of the IWC proposed creating a small working group of countries interested in making progress on the RMS. The United States, Denmark, Iceland, Japan, The Netherlands, Spain, and Sweden were invited to participate, and this “Friends of the Chair” group met in December and March. Significant progress was made in addressing some of the critical unresolved issues, most importantly observation and inspection and catch documentation provisions. Much of this progress came from compromise proposals put forward by the United States. Previously, pro-whaling nations had been unwilling to agree to the incorporation of adequate monitoring measures into the RMS. While several issues remain, particularly cost sharing, significant progress is being made toward the completion of an RMS. This small group will meet again during the next IWC meeting and then report to a special Commissioners-only meeting on the RMS. The United States does not anticipate that any RMS language will be put forth for a vote at this year’s meeting.

Iceland recently rejoined the IWC with a reservation to the commercial whaling moratorium. In the spring of 2003, Iceland put forth a proposal to conduct lethal research on whales. The United States opposes lethal research and urged Iceland not to begin this program, joining an IWC resolution calling on them not to commence such a program and joining a joint demarche to Iceland expressing our opposition to lethal research on whales. Further, a majority of IWC Scientific Committee members criticized Iceland’s proposal as not being necessary for the management of whale stocks. Despite these actions, Iceland went forward with their lethal research program and harvested 36 minke whales. The United States continues to examine Iceland’s action to determine the applicability of certifying Iceland under the Pelly Amendment to the Fisherman’s Protective Act of 1967 (22 U.S.C. § 1978).

Likewise, Japan continues to conduct lethal research with the take of up to 700 whales per year, and Norway continues to harvest approximately 700 minke whales a year in their commercial harvest. The United States continues to urge Japan to cease the killing of whales under scientific permits and for Norway to halt commercial whaling.

The United States recently participated in a four-nation delegation to Japan to discuss the operation of the Conservation Committee. The U.S. supported the creation of this committee at last year’s annual meeting as a way to improve the governance of the Commission’s conservation work. Japan and other countries strongly opposed this measure. The United States, Australia, Sweden, and the United Kingdom made this effort to explain to Japan reasons for supporting the committee and to encourage their participation.

NOAA, in cooperation with the Alaska Eskimo Whaling Commission (AEWC), has put significant effort into preparations for the in-depth review of bowhead whales, which will be conducted at this year’s meeting of the IWC Scientific Committee. The United States is pleased that the bowhead stock population now exceeds 10,000 animals, and is increasing at an annual rate of 3.4% while the aboriginal subsistence harvest is being conducted.

CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora)

The United States continues to believe that CITES can serve as a useful adjunct to traditional fisheries management through its comprehensive permitting and trade control protocols. Such systems can deter IUU fishing and assist in promoting sustainable domestic management programs for commercially exploited marine fish species.

In instances where no regional fishery management organization is in place, as is the case with queen conch (*Strombus gigas*), a CITES listing can encourage the establishment of regional management mechanisms. A recent CITES review of significant trade in queen conch, after consultation with exporting and importing countries, recommended, among other things, that countries in the Wider Caribbean collaborate to form a regional governance regime for this species. At its most recent meeting in St. Georges, Grenada (October 21-24, 2003), the Western Central Atlantic Fishery Commission recommended the establishment of an intersessional working group to study how strengthened regional management cooperation could be achieved. This recommendation was endorsed by the participants at the recent White Water to Blue Water Partnership Initiative, convened in Miami, Florida.

The deadline for submission of species listings, resolutions, and decisions for consideration at the 13th Meeting of the Conference of the Parties to CITES (COP13), to be held October 2-14, 2004 in Bangkok, Thailand, is May 5. The United States Fish and Wildlife Service (FWS) of the Department of the Interior is responsible for the implementation and enforcement of CITES, and the United States Department of Agriculture, Animal and Plant Health Inspection Service is responsible for enforcement of CITES for plants. However, several highly visible marine species listed in either Appendix I or II of CITES are within the domestic jurisdiction of NOAA, in the Department of Commerce. These include the great whales, dolphins, queen conch, hard corals, giant clams, seahorses, and five species of seals. In addition, all marine turtles, whose protection under the Endangered Species Act is shared by the two agencies, are listed in Appendix I of CITES. In NOAA, responsibility for protection of these marine species has been delegated to NOAA Fisheries. NOAA Fisheries forms a Task Force composed of experts from our headquarters and regional offices and science centers to consider U.S. decisions in preparation for meetings of the CITES Conference of the Parties concerning marine species for which NOAA Fisheries has responsibility. The Task Force makes recommendations to FWS.

Humphead wrasse (*Cheilinus undulatus*), a large, long-lived, and late-maturing species, which occurs in the Indo-Pacific and is taken in the live reef food fish trade, is the only marine species that the United States is likely to propose for consideration at COP13. However, the United States is also likely to propose a discussion document with draft resolutions defining the phrase, "marine environment not under the jurisdiction of any State," within the broader term, "introduction from the sea," used in the CITES treaty.

We believe that this resolution will clarify permitting requirements to ensure that CITES trade tracking provisions are not unduly burdensome to fishers. In addition, the United States is likely to submit a discussion paper which summarizes the February 3-5, 2004, international workshop

on seahorse fishery management, funded by the United States and hosted by the Government of Mexico, to provide assistance to countries that export and import these species to ensure sustainable trade.

Sea Turtle Bycatch

NOAA Fisheries' recent efforts to address sea turtle bycatch internationally include scientific research, cooperative work within regional fisheries management and other fora, hosting and participating in international workshops, and assuming a leadership role in preparations for the November 2004 FAO Technical Consultation on Sea Turtles.

From 2000-2003, scientific research was conducted in partnership with academic and U.S. fishing industry representatives. This research demonstrated that large circle hooks used in combination with specific bait types would reduce sea turtle bycatch take in shallow-set longline fisheries. Further studies are planned to determine the effect of these modifications on target catch rates for swordfish and tuna and to refine results to achieve bycatch reduction. Additionally, NOAA Fisheries, in partnership with U.S. industry, has developed a number of tools (such as de-hooking devices, line cutters, and dip nets) designed to improve post-release survival rates for turtles caught or entangled in pelagic longline gear. NOAA Fisheries is currently working to communicate these important scientific developments broadly through its International Bycatch Task Force and representatives to appropriate international fora. Such efforts include on-going and proposed future technology transfer and gear experimentation with countries such as: Australia, Brazil, Costa Rica, Chile, Ecuador, Guatemala, Israel, Japan, Korea, Marshall Islands, Mexico, Federated States of Micronesia, Papua New Guinea, Uruguay, and others.

NOAA Fisheries is also engaged in cooperative work on sea turtle bycatch issues in regional fisheries management (and other) fora. United States-sponsored or co-sponsored resolutions on sea turtle bycatch were recently adopted by the Bycatch Working Group of IATTC and by ICCAT. Additionally, NOAA Fisheries personnel will participate this year in the Interim Scientific Committee (ISC) for the Highly Migratory Species of the North Pacific Ocean, which has created a bycatch working group focusing particularly on sea turtle, shark and sea bird bycatch issues. The ISC will likely provide scientific and management advice to the WCPFC and may also provide advice to the IATTC. Finally, NOAA Fisheries has been actively involved in the development and implementation of the Inter-American Convention for the Protection and Conservation of Sea Turtles (currently the only international treaty devoted exclusively to sea turtles) and the Indian Ocean - South East Asian Marine Turtle Memorandum of Understanding.

In March 2003, the United States hosted an interdisciplinary, technical expert workshop on bycatch of sea turtles in longline fisheries. Academic, technical, and scientific experts from nineteen countries and four inter-governmental organizations (including the FAO and IATTC) met to evaluate existing information on turtle bycatch in longline fisheries, facilitate and standardize data collection from longline fisheries likely to interact with sea turtles, exchange information on experimentation with longline gear relative to turtles and target species, identify

and consider solutions to reduce turtle bycatch in longline fisheries, and exchange information and gain a comprehensive understanding of the fishing methodologies and operations of global longline fleets. NOAA Fisheries representatives also took part in a November 2003 conference of international multidisciplinary experts in Italy that drafted a blueprint for action to conserve and recover Pacific sea turtles.

NOAA Fisheries wants all of the above efforts to produce positive results at the November 2004 FAO COFI Technical Consultation on Sea Turtles. These consultations will review the status of sea turtle species and the overall impact fisheries have on their populations, review where data collection can be initiated or improved, engage the fishing industries in developing and implementing solutions to reduce sea turtle bycatch, and promote involvement of regional fisheries management organizations in identifying solutions and implementing measures to reduce sea turtle bycatch. NOAA Fisheries representatives have taken an active role in U.S. efforts to work in partnership with Japan to develop the agenda and basic document for this meeting. The primary United States goals for this meeting are to 1) promote the use of large circle hooks proven effective in reducing sea turtle bycatch interactions in shallow-set longline fisheries, and 2) seek standardized data collection and implementation of sea turtle bycatch observer programs in fisheries that pose high levels of threat to sea turtle recovery (e.g., trawl, gillnet, and longline fisheries).

Enhancing Cooperation to Achieve International Goals

In my introductory remarks, I promised to address how NOAA Fisheries could further enhance our respective cooperative efforts to achieve fisheries, protected species, and habitat goals. NOAA Fisheries is reviewing whether the present decentralized internal organization for conducting international activities is optimal and if improvements should be made. In the meantime, we are reviewing the processes for soliciting views from the public, supporting committees, and preparing for meetings of ICCAT and the other Regional Fishery Management Organizations (RFMOs) to ensure that we are as efficient and effective as possible.

This concludes my testimony. I would be pleased to answer any questions.